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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,610	02/19/2004	Vladek Kasperchik	10004809-1	1622
22879 7590 03/18/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
SHEWAREGED, BETTELHEIM				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/783,610

Applicant(s)

KASPERCHIK ET AL.

Examiner

Betelhem Shewareged

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-49 is/are pending in the application.
- 4a) Of the above claim(s) 15-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's response filed on 11/30/2007 has been fully considered.

Claim 6 is canceled and claims 1-5 and 7-49 are pending. Currently, claims 15-35 are withdrawn from consideration as non-elected invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).

4. Otaki discloses a laminate comprising a transparent protective layer, a hologram, transparent adhesive, recorded information, and a transparent film, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 is equivalent to the claimed protective layer, hologram 201 is equivalent to the claimed metallic layer, the transparent adhesive 205b is equivalent to the claimed adhesive layer, the transparent film 203 and the information 202 are equivalent to the claimed printable layer. At least the transparent film 203 is colored (col. 35, line 12), wherein the colorant that is used to make this layer colored is equivalent to the claimed additives

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configured for light stabilization, liquid resistance and/or vapor resistance. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-57). The writing layer is equivalent to the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 μm (col. 32, line 43). Otaki does not teach a metal hologram.

5. Coates teaches a metal hologram having a thickness of 0.02 to 0.1 μm (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken because changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant.

6. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

7. Applicant's arguments are based on Otaki does not teach or suggest that the colorant is configured for light stabilization, liquid resistance or vapor resistance.

This argument is not persuasive for the following reason. The colorant of Otaki inherently absorbs light having some wavelength, and by absorbing the light with some wavelength the product is protected from long-term degradation from exposure to light. Thus the colorant of Otaki functions as a light stabilizer to light having some wavelength.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).
9. Otaki discloses a laminate comprising a transparent protective layer, a hologram, transparent adhesive, recorded information, and a transparent film, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 is equivalent to the claimed protective layer, hologram 201 is equivalent to the claimed metallic layer, the transparent adhesive 205b is equivalent to the claimed adhesive layer, the transparent film 203 and the information 202 are equivalent to the claimed printable layer. At least the transparent film 203 is colored (col. 35, line 12), wherein the colorant that is used to make this layer colored is equivalent to the claimed additives configured for light stabilization, liquid resistance and/or vapor resistance. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-

57). The writing layer is equivalent to the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 um (col. 32, line 43). Otaki does not teach a metal hologram.

10. Coates teaches a metal hologram having a thickness of 0.02 to 0.1um (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken that changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant.

11. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

12. Applicant's argument is based on that the methods of Coates, such as sputtering and vacuum depositing the layer of metal, would not create a foil. This argument is not persuasive for the following reason. Even though the metal hologram of Coates is provided via sputtering and vacuum depositing, there is nothing that suggests the layer is not self supporting after it has been formed. The type of metal is substantially identical to the type of metal of the claimed invention, and the thickness of the metal hologram is within the thickness of the

claimed invention; therefore, the reference provides enough evidence to conclude that after the metal hologram of Coates is formed, a metal foil would be created.

13. Claims 36-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).

14. Otaki discloses a laminate comprising a transparent protective layer, a hologram, transparent adhesive, recorded information, and a transparent film, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 is equivalent to the claimed protective layer, hologram 201 is equivalent to the claimed metallic layer, the transparent adhesive 205b is equivalent to the claimed adhesive layer, the transparent film 203 and the information 202 are equivalent to the claimed printable layer. At least the transparent film 203 is colored (col. 35, line 12), wherein the colorant that is used to make this layer colored is equivalent to the claimed additives configured for light stabilization, liquid resistance and/or vapor resistance. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-57). The writing layer is equivalent to the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a

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thickness of 10-100 um (col. 32, line 43). Otaki does not teach a metal hologram. The information 202 is provided on the transparent film 203 (col. 34, line 26), thus at least in this embodiment the hologram 201 is information 202 free.

15. Coates teaches a metal hologram having a thickness of 0.02 to 0.1um (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken because changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant.

16. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

17. Applicant's argument is based on that Coates does not teach or suggest image free metallic film. This argument is not persuasive because the metallic layer of Coates is not imaged or embossed at all times. At least one embodiment teaches metallic layer that is not imaged or embossed (see col. 2, lines 5-15 of Coates).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

February 29, 2008.

/Betelhem Shewareged/
Primary Examiner, Art Unit 1794